

In the Matter of:

Petitioners' Alternative Rulemaking Proposal

Marc Mauer
Executive Director
THE SENTENCING PROJECT
514 Tenth Street, NW
Suite 1000
Washington, DC 20004
Telephone No. (202) 628-0871

TABLE OF CONTENTS

| PUBLICATION/EXCERPT | PAGE |
|---|-------|
| Paige M. Harrison & Allen J. Beck, <u>Prison and Jail Inmates at Midyear 2005</u> (U.S. Dep't of Justice, Bureau of Justice Statistics, May 2006) | A-1 |
| Thomas P. Bonczar, <u>Prevalence of Imprisonment in the U.S. Population, 1974-2001</u> (U.S. Dep't of Justice, Bureau of Justice Statistics, Aug. 2003) | A-3 |
| Norman Holt & Donald Miller, <u>Explorations in Inmate-Family Relationships</u> (California Dep't of Corrections, Research Div., Research Report No. 46, Jan. 1972) | A-5 |
| Daniel P. LeClair, "The Effect of Community Reintegration on Rates of Recidivism: A Statistical Overview of Data for the Years 1971 Through 1983," (Mass. Dep't of Correction, Feb.-March 1986) | A-1 1 |
| Patrick A. Langan & David J. Levin, <u>Recidivism of Prisoners Released in 1994</u> (U.S. Dep't of Justice, Bureau of Justice Statistics, June 2002) | A-3 1 |
| Marta Nelson et al., "The First Month Out: Post-Incarceration Experiences in New York City" (Vera Institute of Justice, Sept. 1999) | A-35 |
| "Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute's Prisoner Reentry Portfolio" (Urban Institute, Justice Policy Ctr., Jan. 2006) | A-7 1 |
| National Governors Association, "Issue Brief: Improving Prisoner Reentry Through Strategic Policy Innovations" (Sept. 2005) | A-77 |
| "HUB System: Profile of Inmate Population Under Custody on January 1, 2006," (New York State Department of Correctional Services, June 2006) | A-93 |
| Mike Bobbitt & Marta Nelson, "The Front Line: Building Programs that Recognize Families' Role in Reentry" (Vera Institute of Justice, Sept. 2004) | A-I03 |
| Christopher J. Mumola, <u>Incarcerated Parents & Their Children</u> (U.S. Dep't of Justice, Bureau of Justice Statistics, Aug. 2000) | A-107 |

| | |
|---|-------|
| James P. Lynch & William J. Sabol, "Prisoner Reentry in Perspective" (Urban Institute, Justice Policy Ctr., 3 <u>Crim. Policy Ree.</u> , Sept. 2001) | A-109 |
| Dina Rose et al., <u>Drugs, Incarceration and Neighborhood Life: The Impact of Reintegrating Offenders into the Community</u> (Final Grant Report to National Institute of Justice, Doc. No. 195173, July 3, 2002) | A-121 |
| <u>Maintaining Family Contact When a Family Member Goes to Prison</u> (Florida House of Representatives, Justice Council, Committee on Corrections, Nov. 1998) | A-131 |
| American Bar Ass'n, House of Delegates, <u>Recommendation</u> (Aug. 8-9, 2005) <u>with</u> Criminal Justice Section, <u>Report</u> (Aug. 2005) | A-161 |
| John Sullivan, "New York State Earns Top Dollar From Collect Calls by Its Inmates," <u>N.Y. Times</u> , Nov. 30, 1999 | A-I69 |
| Catriona Stuart, "Wives See Wrong Numbers on Phone Bills for Inmates," <u>N.Y. Sun</u> , Jan. 21, 2005 | A-I71 |
| Declaration of Dr. Creasie Finney Hairston (March 8, 2004), <u>in Matter of Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996</u> , F.C.C. Doc. No. 96- 128 | A-175 |
| American Correctional Ass'n, <u>Policy Statement: Public Correctional Policy on Adult/Juvenile Offender Access to Telephones</u> (as amended Feb. 1, 2006) | A-185 |
| Commission on Safety and Abuse in America's Prisons, <u>Report: Confronting Confinement</u> (Vera Institute for Justice, June 2006) | A-187 |
| "Phone Charges to be Reduced for Families of Inmates," Governor's Press Release, Jan. 8. 2007 | A-205 |
| U.S. Dep't of Justice, Bureau of Justice Assistance, <u>FY 2006 Prisoner Reentry Initiative Grant Awards</u> | A-206 |



Bureau of Justice Statistics Bulletin

May 2006, NCJ 213133

Prison and Jail Inmates at Midyear 2005

Paige M. Harrison
and Allen J. Beck, Ph.D.
BJS Statisticians

At midyear 2005 the Nation's prisons and jails incarcerated 2,186,230 persons. Prisoners in the custody of the 50 States and the Federal system accounted for two-thirds of the incarcerated population (1,438,701 inmates). The other third were held in local jails (747,529), not including persons in community-based programs.¹

On June 30, 2005, 1,512,823 prisoners were under Federal and State jurisdiction, which includes inmates in custody and persons under the legal authority of a prison system but held outside its facilities. During the 12-month period ending June 30, 2005, the number under State jurisdiction rose 1.2%, while the number under Federal jurisdiction rose 2.9%. Montana (up 7.9%), South Dakota (up 7.8%), Minnesota (up 6.7%), and Kentucky (up 6.4%) had the largest percentage increases. Twelve States had decreases, including Vermont (-2.9%), Idaho (-2.8%), and New York (-2.5%).

At midyear 2005 local jail authorities held or supervised 819,434 offenders. Nine percent of these offenders (71,905) were supervised outside jail facilities in programs such as community service, work release, weekend reporting, electronic monitoring, and other alternative programs.

¹See box on page 7 for description of jail populations.

Highlights

Nation's prison population rose 1.6%; jail population, 4.7%

| Prison population | Number of inmates | Jail population | Number of jail inmates | Total incarceration rate | Rate per 100,000 residents* |
|-------------------|-------------------|-----------------|------------------------|--------------------------|-----------------------------|
| 5 highest: | | | | | |
| Federal | 184,484 | California | 82,138 | Louisiana | 1,138 |
| Texas | 171,338 | Texas | 66,534 | Georgia | 1,021 |
| California | 166,532 | Florida | 63,620 | Texas | 976 |
| Florida | 87,545 | Georgia | 44,955 | Mississippi | 955 |
| New York | 62,963 | Pennsylvania | 34,455 | Oklahoma | 919 |
| 5 lowest: | | | | | |
| North Dakota | 1,338 | North Dakota | 944 | Maine | 273 |
| Vermont | 1,975 | South Dakota | 1,432 | Minnesota | 300 |
| Wyoming | 2,026 | Maine | 1,545 | Rhode Island | 313 |
| Maine | 2,084 | Wyoming | 1,551 | Vermont | 317 |
| New Hampshire | 2,561 | New Hampshire | 1,728 | New Hampshire | 319 |

*Prison and jail inmates per 100,000 residents.

From midyear 2004 to midyear 2005 —

- The number of inmates in custody in local jails rose by 33,539; in State prison by 15,858; and in Federal prison by 6,584.

- The smaller State prison systems had the greatest percentage increase: Montana (up 7.9%) and South Dakota (up 7.8%).

On June 30, 2005 —

- A total of 2,266 State prisoners were age 18. Adult jails held a total of 6,115 persons age 18.

- State and Federal correctional authorities held 91,117 noncitizens (6.4% of all prisoners), down from 91,815 at midyear 2004.

- There were 129 female prison and jail inmates per 100,000 women in the United States, compared to 1,366 male prison and jail inmates per 100,000 men.

- An estimated 12% of black males, 3.7% of Hispanic males, and 1.7% of white males in their late twenties were in prison or jail.

- In three States — Iowa, South Dakota, and Wisconsin — black prison and jail inmates represented 4% of the black State population. Pennsylvania (with 1,714 Hispanic inmates per 100,000 Hispanic residents) and Idaho (1,654) had the highest Hispanic incarceration rates.

- Local jails were operating 5% below their rated capacity. In contrast, at yearend 2004 State prison systems were between 1% below capacity and 15% above; the Federal prison system was operating at 40% above rated capacity.

- Privately operated prison facilities held 101,228 inmates (up 2.7% since midyear 2004). The Federal system reported the largest increase among inmates in private prisons (up 2,038).

Growth continues as rising admissions outpace releases

From 2000 to 2004 admissions to State prison rose 11.5% (from 625,219 in 2000 to 697,066 in 2004). During 2004, 672,202 sentenced prisoners were released from State prisons, up from 604,858 in 2000 — an increase of 11.1% (table 7)

Admissions to the Federal prison system increased 21.2% between 2000 and 2004 (from 43,732 to 52,982); releases increased 32.2% (35,259 to 46,624). The number of admissions to Federal prison in 2004 exceeded releases by more than 6,300 inmates.

New court commitments on the rise

Prior to 1998 growth in prison admissions reflected increasing numbers of offenders returning for parole violations. Between 1990 and 1998 the number of returned parole violators increased 54% (from 133,870 to 206,152), while the number of new court commitments increased 7% (from 323,069 to 347,270)

However, since 1998, parole violators returned to prison increased by less than 6%, while new court commitments rose 18%.

State prison admissions, by type, 1990, 1995, and 1998-2W4

| Year | All ^a | New court commitments | Parole violators ^b |
|------|------------------|-----------------------|-------------------------------|
| 1990 | 460,739 | 323,069 | 133,870 |
| 1995 | 521,970 | 337,492 | 175,726 |
| 1998 | 565,291 | 347,270 | 206,152 |
| 1999 | 575,415 | 345,648 | 198,636 |
| 2000 | 581,487 | 350,431 | 203,569 |
| 2001 | 593,838 | 365,714 | 215,450 |
| 2002 | 612,938 | 392,661 | 207,961 |
| 2003 | 634,149 | 399,843 | 209,753 |
| 2004 | 644,084 | 411,300 | 219,033 |

^aBased on inmates with a sentence of more than 1 year. Excludes escapes, AWOL's, and transfers to and from other jurisdictions.

^bParole violators includes inmates with revoked parole, other conditional release violators, and intermediate sanctions imposed upon parolees in re or revoking parole

Table 7. Number of sentenced prisoners admitted and released from State or Federal jurisdiction, by region and jurisdiction, 2000 and 2003-04

| Region and jurisdiction | Admissions | | | | Releases | | | |
|---------------------------|------------|---------|---------|-------------------------|----------|---------|---------|-------------------------|
| | 2004 | 2003 | 2000 | Percent change, 2000-04 | 2004 | 2003 | 2000 | Percent change, 2000-04 |
| U.S. total | 697,066 | 686,437 | 625,219 | 11.5% | 672,202 | 656,384 | 604,858 | 11.1% |
| Federal | 52,982 | 52,288 | 43,732 | 21.2 | 46,624 | 44,199 | 35,259 | 32.2 |
| State | 644,084 | 634,149 | 581,487 | 10.8 | 625,578 | 612,185 | 569,599 | 9.8 |
| Northeast | 66,441 | 71,171 | 67,765 | -2.0% | 68,760 | 72,609 | 70,646 | -2.7% |
| Connecticut | 8,577 | 6,571 | 6,185 | 6.3 | 6,707 | 6,890 | 5,018 | 13.3 |
| Maine | 655 | 931 | 751 | -72.8 | 636 | 782 | 677 | -6.1 |
| Massachusetts | 2,278 | 2,185 | 2,062 | 10.5 | 2,391 | 2,302 | 2,889 | -17.2 |
| New Hampshire | 1,099 | 1,139 | 1,051 | 4.8 | 1,080 | 1,188 | 1,044 | 3.4 |
| New Jersey | 13,886 | 14,398 | 13,653 | 1.7 | 14,418 | 15,043 | 15,362 | -6.1 |
| New York | 24,664 | 26,040 | 27,601 | -10.6 | 26,043 | 27,467 | 28,828 | -9.7 |
| Pennsylvania | 14,319 | 14,039 | 11,777 | 21.6 | 14,396 | 13,268 | 11,759 | 22.4 |
| Rhode Island ^a | 755 | 3,881 | 3,701 | : | 828 | 3,684 | 3,223 | : |
| Vermont | 2,208 | 1,987 | 984 | : | 2,261 | 1,985 | 946 | : |
| Midwest | 144,002 | 138,924 | 117,776 | 22.3% | 143,497 | 136,590 | 114,382 | 25.5% |
| Illinois | 39,293 | 36,063 | 29,344 | 33.9 | 38,646 | 35,372 | 28,876 | 33.8 |
| Indiana | 16,029 | 15,615 | 11,876 | 35.0 | 15,100 | 14,146 | 11,053 | 36.6 |
| Iowa | 4,364 | 5,545 | 4,656 | -6.3 | 6,049 | 6,074 | 4,379 | 38.1 |
| Kansas | 4,519 | 4,605 | 5,002 | -9.7 | 4,683 | 4,405 | 5,231 | -10.5 |
| Michigan | 13,248 | 12,659 | 12,160 | 8.9 | 13,723 | 13,910 | 10,874 | 26.2 |
| Minnesota | 6,604 | 5,914 | 4,406 | 49.9 | 5,849 | 5,437 | 4,244 | 37.8 |
| Missouri | 18,281 | 17,151 | 14,454 | 26.5 | 17,307 | 16,967 | 13,346 | 29.7 |
| Nebraska | 2,085 | 1,959 | 1,688 | 23.5 | 2,029 | 1,953 | 1,503 | 35.0 |
| North Dakota | 1,008 | 992 | 605 | 66.6 | 917 | 870 | 598 | 53.3 |
| Ohio | 28,196 | 26,506 | 23,780 | 18.6 | 28,170 | 27,369 | 24,793 | 13.6 |
| South Dakota | 2,304 | 1,915 | 1,400 | 64.6 | 2,428 | 1,980 | 1,327 | 83.0 |
| Wisconsin | 8,071 | 8,000 | 8,396 | -3.9 | 8,596 | 8,107 | 8,158 | 5.4 |
| South | 249,733 | 243,826 | 217,950 | 14.6% | 238,628 | 231,896 | 210,777 | 13.2% |
| Alabama | 8,278 | 9,524 | 6,296 | 31.5 | 9,156 | 10,167 | 7,136 | 28.3 |
| Arkansas | 8,035 | 7,132 | 6,941 | 15.8 | 7,457 | 7,120 | 6,308 | 18.2 |
| Delaware | 1,648 | 2,212 | 2,709 | : | 2,013 | 2,129 | 2,260 | : |
| Florida | 40,386 | 39,500 | 35,683 | 13.2 | 36,908 | 34,679 | 33,994 | 8.6 |
| Georgia | 20,140 | 17,575 | 17,373 | 15.9 | 18,211 | 17,333 | 14,797 | 23.1 |
| Kentucky | 13,009 | 9,595 | 8,116 | 60.3 | 10,740 | 9,208 | 7,733 | 38.9 |
| Louisiana | 15,512 | 15,353 | 15,735 | -1.4 | 15,009 | 13,841 | 14,536 | 3.3 |
| Maryland | 10,330 | 10,170 | 10,327 | 0.0 | 10,531 | 10,207 | 10,004 | 5.3 |
| Mississippi | 9,187 | 8,421 | 5,796 | 58.5 | 8,607 | 7,679 | 4,940 | 74.2 |
| North Carolina | 10,411 | 9,494 | 9,848 | 5.7 | 9,315 | 9,116 | 9,687 | -3.8 |
| Oklahoma | 9,003 | 8,139 | 7,426 | 21.2 | 8,432 | 8,164 | 6,628 | 27.2 |
| South Carolina | 9,850 | 9,934 | 8,460 | 16.4 | 10,060 | 9,829 | 8,676 | 16.0 |
| Tennessee | 13,149 | 13,059 | 13,675 | -3.8 | 13,295 | 13,768 | 13,893 | -4.3 |
| Texas | 66,883 | 69,921 | 58,197 | 14.9 | 65,800 | 65,169 | 59,776 | 10.1 |
| Virginia | 11,645 | 11,700 | 9,791 | 18.9 | 11,148 | 11,606 | 9,148 | 21.9 |
| West Virginia | 2,267 | 2,097 | 1,577 | 43.8 | 1,946 | 1,881 | 1,261 | 54.3 |
| West | 183,908 | 182,228 | 177,996 | 3.3% | 174,693 | 171,090 | 173,794 | 0.5% |
| Alaska ^b | 2,746 | 2,805 | 2,427 | 13.1 | 2,726 | 2,736 | 2,599 | 4.9 |
| Arizona | 11,343 | 11,957 | 9,560 | 18.7 | 10,190 | 10,391 | 9,100 | 12.0 |
| California | 123,537 | 125,312 | 129,640 | -4.7 | 117,762 | 118,646 | 129,621 | -9.1 |
| Colorado | 8,634 | 7,998 | 7,036 | 22.7 | 8,001 | 7,113 | 5,881 | 36.0 |
| Hawaii | 1,677 | 1,832 | 1,594 | 5.2 | 1,667 | 1,504 | 1,379 | 20.9 |
| Idaho | 4,392 | 3,168 | 3,386 | 29.7 | 3,480 | 3,033 | 2,697 | 29.0 |
| Montana | 2,182 | 1,910 | 1,202 | 81.5 | 1,897 | 1,642 | 1,031 | 84.0 |
| Nevada | 6,548 | 4,865 | 4,929 | 32.8 | 4,715 | 4,800 | 4,374 | 7.8 |
| New Mexico | 4,279 | 4,160 | 3,161 | 35.4 | 4,090 | 3,943 | 3,383 | 20.9 |
| Oregon | 5,378 | 5,095 | 4,059 | 32.5 | 4,910 | 4,483 | 3,371 | 45.7 |
| Utah | 3,275 | 3,301 | 3,270 | 0.2 | 3,050 | 3,088 | 2,897 | 5.3 |
| Washington | 11,894 | 9,034 | 7,094 | : | 11,547 | 9,067 | 6,764 | : |
| Wyoming | 789 | 791 | 638 | 20.5 | 658 | 644 | 697 | -5.6 |

Note: Excludes escapes, AWOL's, and transfers to and from other jurisdictions.

^aNot calculated due to changes in reporting.

^bChanged reporting in 2004 to include only prisoners sentenced to 1 year or more.

^cAlaska data may include some escapes, AWOL's, and transfers.



Bureau of Justice Statistics Special Report

August 2003, NCJ 197976

Prevalence of Imprisonment in the U.S. Population, 1974-2001

By Thomas P. Bonczar
BJS Statistician

At yearend 2001 there were 1,319,000 adults confined in State or Federal prison and an estimated 4,299,000 living former prisoners. A total of 5,618,000 U.S. adult residents, or about 1 in every 37 U.S. adults, had ever served time in prison. Estimates of the prevalence of imprisonment in the U.S. population, presented here for the first time, are based on a demographic model incorporating rates of mortality and first incarceration in prison.

Between 1974 and 2001, the prevalence of imprisonment increased by nearly 3.8 million. This included a 1.1 million increase in the number of adults in prison (up from 216,000) and a nearly 2.7 million increase in the number of living former prisoners (up from 1,603,000).

If rates of first incarceration remain unchanged, 6.6% of all persons born in the United States in 2001 will go to State or Federal prison during their lifetime, up from 5.2% in 1991, and 1.9% in 1974. Unlike the prevalence of ever having gone to prison, which estimates the extent of past experiences, the lifetime likelihood of going to prison is an estimate of the chances of future incarceration, given unchanged rates of first incarceration and mortality.

Highlights

At yearend 2001 over 5.6 million U.S. adults had ever served time in State or Federal prison

| U.S. residents ever incarcerated | Number | | | Percent of adult U.S. residents | | |
|----------------------------------|-----------|-----------|-----------|---------------------------------|------|------|
| | 1974 | 1991 | 2001 | 1974 | 1991 | 2001 |
| Total | 1,819,000 | 3,437,000 | 5,618,000 | 1.3% | 1.8% | 2.7% |
| Male | 1,677,000 | 3,142,000 | 5,037,000 | 2.3 | 3.4 | 4.9 |
| White | 837,000 | 1,395,000 | 1,870,000 | 1.4 | 1.8 | 2.6 |
| Black | 595,000 | 1,181,000 | 1,936,000 | 8.7 | 12.0 | 16.6 |
| Hispanic | 94,000 | 392,000 | 911,000 | 2.3 | 4.8 | 7.7 |
| Female | 142,000 | 205,000 | 581,000 | 0.2% | 0.3% | 0.5% |
| White | 86,000 | 139,000 | 225,000 | 0.1 | 0.2 | 0.3 |
| Black | 51,000 | 109,000 | 231,000 | 0.6 | 0.9 | 1.7 |
| Hispanic | 8,000 | 30,000 | 86,000 | 0.2 | 0.4 | 0.7 |

• Of adults in 2001 who had ever served time in prison, nearly as many were black (2,166,000) as were white (2,203,000). An estimated 997,000 were Hispanic.

• The rate of ever having gone to prison among adult black males (16.6%) was over twice as high as among adult Hispanic males (7.7%) and over 6 times as high as among adult white males (2.6%).

• U.S. residents ages 35 to 39 in 2001 were more likely to have gone to prison (3.8%) than any other age group, up from 2.3% in 1991.

• An estimated 22% of black males ages 35 to 44 in 2001 had ever been confined in state or Federal prison, compared to 10.0% of Hispanic males and 3.5% of white males in the same age group.

If incarceration rates remain unchanged, 6.6% of U.S. residents born in 2001 will go to prison at some time during their lifetime

| | Percent ever going to prison during lifetime, born in — | | |
|----------|---|------|-------|
| | 1974 | 1991 | 2001 |
| Total | 1.9% | 5.2% | 6.6% |
| Male | 3.6% | 9.1% | 11.3% |
| White | 2.2 | 4.4 | 5.9 |
| Black | 13.4 | 29.4 | 32.2 |
| Hispanic | 4.0 | 16.3 | 17.2 |
| Female | 0.3% | 1.1% | 1.0% |
| White | 0.2 | 0.5 | 0.9 |
| Black | 1.1 | 3.6 | 5.6 |
| Hispanic | 0.4 | 1.5 | 2.2 |

• About 1 in 3 black males, 1 in 6 Hispanic males, and 1 in 17 White males are expected to go to prison during their lifetime, if current incarceration rates remain unchanged.

• For women, the chances of going to prison were 6 times greater in 2001 (1.8%) than in 1974 (0.3%); for men, the chances of going to prison were over 3 times greater in 2001 (11.3%) than in 1974 (3.6%).

EXCERPTS FROM Research Report No. 46

EXPLORATIONS IN INMATE-FAMILY RELATIONSHIPS

Norman Wolt
Associate **Social Research Analyst**
Southern Conservation Center

Donald Miller
Associate **Social Research Analyst**
Los Angeles Research Unit

Research Division
California Department of Corrections
Sacramento, California
January 1972

CHAPTER VI. INMATE SOCIAL TIES AND PAROLE OUTCOME

The preceding chapters have dealt with the variety of inmate social ties and their relationship or lack of relationship to the inmate's institutional behavior and parole plans. *In* this chapter the focus will be on the relationship of these social ties to the parole experience of the inmate. Previous studies have produced evidence that marital status and family ties are important factors in parole success, with more parole success noted for those men receiving the greatest amounts of Correspondence and visits while in prison. 1/

To investigate this relationship a parole follow-up was conducted on 412 men who were paroled from the Southern Conservation Center for at least 12 months as of February 1971 and who appeared before the Parole Board in the fiscal year 1968-69. Three categories of parole outcome were used in the analysis: 1) "no parole difficulties" meaning no known arrests or violations; 2) "minor difficulties," including arrests without convictions, misdemeanor convictions, fines, and absconding from supervision; and 3) "serious difficulties," referring to returns to prison as a result of technical violations or new felony commitments.

Visiting Patterns and Parole Outcome

On Table 19 it can be seen that the number of visitors received by the parolee while he was in prison is related to how well he fared on parole. In general those men with greater number of visitors tended to experience less difficulty on parole than did those with fewer visitors. With the possible exception of those inmates who had four or more visitors, there is a steady progression of success varying from about 50 percent with no parole difficulty for those with no visitors to almost 70 percent with no parole difficulty for those with three visitors.

TABLE 19
ONE YEAR PAROLE OUTCOME BY
NUMBER OF VISITORS
(In Percentages)

| Number of Visitors | Parole Difficulties | | | | Total |
|--------------------------------------|---------------------|-------|---------|-----|-------|
| | None | Minor | Serious | | |
| No Correspondence and No Visitors | 50 | 38 | 12 | 100 | (16) |
| Correspondence Only | 48 | 42 | 10 | 100 | (95) |
| One Visitor | 53 | 38 | 9 | 100 | (81) |
| Two Visitors | 58 | 32 | 10 | 100 | (85) |
| Three Visitors | 70 | 28 | 2 | 100 | (53) |
| Four Visitors | | 32 | 2 | 100 | (61) |
| Total * | 57 | 36 | 7 | 100 | (391) |

* The number of cases in the following tables varies somewhat depending on how many of the 412 cases studied were removed due to lack of information.

While the number of prison returns is rather small, it is interesting to note that those parolees with three or more prison visitors have approximately a two percent return to prison rate as compared to a ten percent rate for those with 2 visitors or less.

This finding that those with fewer social ties tend to become involved in more serious difficulties including new commitments would seem to bear out the hypothesis noted earlier in Chap. IV that multiple termers tend to have fewer social ties in general.

1/ Glaser, Daniel, The Effectiveness of a Prison and Parole System, Bobbs-Merrill, Inc., 1964, p. 366.

CHAPTER VIII. THE INMATE AND HIS FAMILY: SOME CONCLUSIONS AND IMPLICATIONS

Any serious look at the end results of correctional programs is likely to be discouraging. Immediately the investigator faces the problem of trying to define "correctional programs", as the term has become so broad as to include almost everything convicted criminals are required to do in the course of their imprisonment. A second difficulty is the virtual absence of any theoretical basis for the programs. After a review of current correctional techniques, Cressey concluded that not only had their effectiveness not been demonstrated but that the techniques were "only vaguely related to any reputable theory of behavior or of criminality."^{1/} Empey observed that most such programs, rather than being derived from theoretical constructs, are usually based on an "intuitive opportunism," involving a kind of goal-oriented guessing which develops into a strategy of activity.^{2/}

A third area of frustration involves the inability to find empirical evidence sharing any significant value for the great majority of current techniques of correctional intervention.^{3/}

At this point in our knowledge it seems fair to say that there are few correctional techniques whose proven value is such that their application would represent a significant improvement over doing nothing at all. To compound the difficulty most of these unproven techniques require high staff ratios, or in other ways consume large amounts of scarce correctional resources. It is against this bleak backdrop that the implications for corrections of the findings of this study relating to inmate social ties will be discussed.

Do Family Contacts Increase Parole Success?

The central finding of this research is the discovery of a strong and consistently positive relationship between parole success and the maintenance of strong family ties while in prison. The reliability of this finding is substantiated by the results of other research undertakings. *The earlier of these efforts was conducted by Lloyd Ohlin in the course of developing a parole success prediction scale for Illinois. Ohlin developed an index of family interest while in prison to capitalize on the belief of many parole agents that parolees with closer family ties tended to do better. Using a sample of releases from 1925-35, he found that 75% of the inmates classified as maintaining "active family interest" while in prison were successful on parole compared to only 34% for those regarded as loners.^{5/} Glaser used Ohlin's classification technique with a sample of 1956 releases from federal prisons with very similar results. He found that 71% of the "active family interest" group were successful compared to only 50% of the "no contact with relatives" group.^{6/} In an earlier study of 1940-49 releases from the Pontiac Branch of the Illinois State Penitentiary, which has a reformatory type population, Glaser found a 74% success rate for the "active interest" group and a 43% rate for those parolees without contacts.^{7/}

1/ Cressey, D.R., "The Nature and Effectiveness of Correctional Techniques," Law and Contemporary Problems, Vol. 23, No. 4, Autumn 1958.

2/ Empey, L.T., "A Strategy of Search" paper presented at planning session of Pacific Sociological Assoc. on Technical and Ethical Problems Involved in Evaluating Action Programs, Salt Lake City, April 1965.

3/ Robinson, J. & G. Smith, "The Effectiveness of Correctional Programs," Crime and Delinquency, Vol. 17, No. 1, January 1971.

5/ Ohlin, L.E., The Stability and Validity of Parole Experience Tables, (PhD dissertation) Univ. of Chicago, 1954, cited in Glaser, D., The Effectiveness of a Prison and Parole System, Bobbs-Merrill, Inc. NY, 1964 p. 366.

6/ Glaser, op. cit., p. 366.

7/ *ibid.*

A - 8

This study found very similar percentage differences between groups. Only 50% of the "no contact" inmates completed their first year on parole without being arrested, while 70% of those with three visitors were "arrest free" during this period. In addition the "loners" were six times more likely to be returned to prison during the first year (12% returned compared to 2% for those with three or more visitors).

The convergence of these studies should be emphasized. Ohlin's study focused on inmates paroled in Illinois over a ten-year period. Glaser's work replicated Ohlin's findings with releases during one year from federal prisons as well as from a reformatory type population. The same results characterize our study's sample of 1969-70 releases from a minimum security institution in California. The positive relationship between strength of social ties and success on parole has held up for 45 years of releases across very diverse offender populations and in different localities. It is doubtful if there is any other research finding in the field of corrections which can approximate this record.

One of the major problems with the earlier studies, which the authors of this study tried to overcome, was the strong interrelationship among social ties, other important variables, and parole outcome. The unique contributions of this study in this regard was to show the independent contribution of family ties to parole outcome. The importance of family ties held up in an analysis in which six other important factors were considered.

Glaser postulated that the amount of release money was important to parole outcome.^{8/} We found this to be true only for those with few social ties. Difficulty on parole is somewhat predictable if the inmate has few contacts and less money. On the other hand, strong social ties appear to serve as an alternative material resource. Among those with many visitors the amount of release money assumed no importance.

Among federal prisoners Glaser also found significant differences in parole outcome associated with differences in type of residence. However, similar differences in California largely disappeared when the number of social ties was held constant. There was not much difference in parole outcome among parolees planning different types of residences who received numerous visitors. The relationship didn't disappear entirely, however, since those parolees planning to live with parents or wives still had a slight advantage in parole success. For example, 8% of those who had two or more visitors and who were living alone on parole recidivated compared to 5% of their counterparts with plans to live with their parents or wives.

Similarly, employment prospects among federal prisoners were important to parole outcome, but with the imposition of a control for family contact, job offers were not important for the sample used in the present study. The importance of a job offer appeared to be primarily a function of the strength of the inmate's social ties. In other words, the presence of a job offer was unrelated to parole outcome when the inmate's social ties were taken into account, and the effects of social ties on parole success were independent of a job offer.

An alternative explanation of the findings of this study is that inmates receiving more visitors are less likely to recidivate anyway. In order to test this hypothesis, the authors divided the sample into three levels of predicted parole outcome and compared social ties and parole success within each. The predictive device was the California Base Expectancy Scale, which is based heavily on past criminal involvement. Within all Base Expectancy levels, it was found that those who maintained closer ties did better.

It might be claimed that, while other important variables were taken into account, inmates motivated to maintain strong social ties have some special motivation to

^{8/} Glaser, op. cit., p. 316

succeed on parole. The same qualities which motivated the inmate to maintain frequent family contacts might have caused him to do better on parole. The data in Chapter V seem to invalidate this alternative explanation. If the results in parole outcome were caused by differential motivation, it would be necessary to hypothesize a somewhat generalized motivational difference. In other words, the difference in motivation ought to show up in other areas besides visiting and parole outcome. However, this was not the case. Those who maintained frequent family contacts received about as many disciplinary reports, had no better work records, were no more likely to participate in treatment programs, and did about the same in group counseling. In summary, all the evidence suggests that there is a strong independent, positive relationship between maintaining frequent family contacts while in prison and success on parole.

This evidence suggests that the inmate's family should be viewed as the prime treatment agent and family contacts as a major correctional technique. This approach has numerous advantages not the least of which is that it is free. It doesn't require the specially trained staff or costly staff augmentations so common to most treatment approaches.

A second major advantage is the built-in inmate motivation. Most treatment techniques, even if they work, have limited value because the inmates most in need are also the least motivated for treatment. The few who volunteer are often the same ones who would succeed without the program. The desire for outside contacts, by contrast, is a central part of the inmate's existence. The data in Chapter IV clearly show that when adequate opportunity is provided for contacts the inmate's social ties need not erode away. The contacts of our sample were about as frequent after several years of incarceration as during the first six months. The one important exception to this was that a significant number of wives stopped visiting during the second year. It is necessary to emphasize, however, that this study was done at a correctional complex which is located within easy commuting distance from where most of the inmates' families live and which has very liberal arrangements for visiting. It seems apparent that the further visitors have to travel and the more difficult the procedures for visiting, the more likely are the visitors to reduce contacts as the sentence is served.

Can Correctional Systems Help?

The next question is whether or not correctional systems can do anything to capitalize on the family's potential as a treatment agent. Chapter VII examined two experimental programs which aimed in this direction, the Family Visiting and the Temporary Release Programs. Both efforts are successful by almost any standard. Both enjoyed almost unanimous support from the inmate body. Almost all inmates hoped to participate, and those who couldn't were not resentful. Neither presented serious administrative problems. In addition, a follow-up study found that the participants in either program did better on parole than non-participants. Sixty percent of the participants experienced no difficulty during the first year of parole compared to only 42% of the non-participants. The number of participants was small, and the results must be interpreted with caution. However, the findings held up under the application of numerous control variables.

A final question about the temporary releases is whether they seriously threaten the public safety. Currently, thousands of inmates in California are being released each year on temporary leaves and experience has shown that they are involved in no more difficulty than would normally be expected during the first few days on parole.

The Effect of Community Reintegration on Rates
of Recidivism: A Statistical Overview of
Data for the Years 1971 Through 1983

Prepared by:

Daniel P. LeClair, Ph.D.
Deputy Director of Research

Massachusetts Department of Correction

Michael V. Fair
Commissioner

February, 1986

Updated March, 1986

PUBLICATION #:
Approved by Daniel D. Carter, State Purchasing Agent

**The Effect of Community Reintegration on Rates
of Recidivism: A Statistical Overview of
Data for the Years 1971 Through 1983**

A - 12

The Research Division of the Massachusetts Department of Correction routinely collects and publishes on an annual basis data on rates of recidivism. In these reports a series of descriptive variables on all individuals released from Massachusetts Correctional Institutions is correlated with rates of recidivism. Comparisons between current findings and trends discerned in prior studies are made. Additionally, comparisons between specific correctional institutions of varying security levels and comparisons between varying modes of correctional programming are also made. The state correctional institutions include maximum, medium and minimum security facilities as well as state run prerelease centers and sub-contracted privately operated halfway houses. From these studies data are currently available for the releasee cohorts for the years 1971 through 1983. This report attempts to draw together data generated, from the recidivism studies of the past 13 years and to present a summary statistical overview of the findings.

The annual statistical monitoring of recidivism data since the year 1971 has led to the detection of a number of significant trends occurring within the Massachusetts correctional system. Dominant among these trends was the Occurrence of a systematic reduction in the recidivism rates from 1971 through to 1978. For example, in the year 1971 the recidivism rate for the combined population of state prison releases was 25%; in 1973 it had dropped to 19%; and in 1976 it had dropped to 16%. By 1977, the recidivism rate was 15%. Later data, however, revealed that a reversal had occurred in this historical trend. The 1979 and 1980

- releasee populations represented the first statistically significant increase in recidivism rates in a nine year period. However, 1981 through 1983 data have shown a modest but consistent drop in recidivism rates.

A second major trend concerned the home furlough program in the Massachusetts correctional system, a program begun in and expanded subsequent to the year 1971. Recidivism studies demonstrated that inmate participation in the furlough program may be an important variable in accounting for the systematic reduction in recidivism rates occurring in Massachusetts. The data revealed that those individuals who had experienced a furlough prior to release from prison had significantly lower rates of recidivism than did individuals who had not experienced a furlough prior to release. When selection factors were controlled, the relationship remained positive. This trend continued in a consistent pattern for the eleven successive years for which data were available.

Recidivism studies have also revealed that participation in prerelease programs prior to community release leads to reduced rates of recidivism. Again, when selection factors were controlled the relationship remained constant.

A final documented trend that has emerged from the recidivism studies focused on the process of graduated movement among institutions in descending level of security and size. Analyses revealed that individuals released from prison directly from medium or minimum security institutions (including prerelease centers and halfway houses) had significantly lower rates of recidivism than did individuals released directly from a maximum security institution. Again, this relationship held even when selection factors were controlled.

When follow-up periods were extended from one to two and then to five years, the above findings with respect to furloughs, prerelease centers, and security level of releasing institution remained constant.

The major findings of the research were collectively interpreted as tentative evidence of a positive effect of the reintegrative community based correctional programming. That is, correctional programs operating in the Massachusetts

system which are geared to maintain, or to establish general societal links such as family, economic, political, and social roles may be associated with a subsequent reduction in recidivism. Also associated with the reduction in recidivism is the graduated societal reintroduction of the offender. This is accomplished through a series of movements among institutions in descending levels of security and size along with the awarding of increased increments of community contacts through participation in furloughs, education release, and work release programs.

The above conclusions hold through the documented trend of increased recidivism and the more recent drop in the rates. Despite the fluctuations in overall recidivism, participation in reintegration programs remains associated with lower rates of recidivism.¹

1 A bibliography of the research data referred to in this summary is presented at the end of this report.

10

SECTION TWO

DATA ON TRENDS, CONTROLLED FOR SELECTION FACTORS

Data on Trends, Controlling for Selection Processes

Collectively, the data presented in Section One of this report provide a foundation which supports the proposition that the use of the community reintegration model is associated with a reduction in recidivism. Such a proposition remains tentative, however, pending the resolution of issues regarding program selection processes. Therefore, Section Two of this report reexamines the data on recidivism trends from the standpoint of controlling for program selection biases.

When possible, the most ideal method of evaluating the effects of a particular correctional treatment program is to impose an experimental design at the initial stage of program development. The random allocation of subjects into treatment and non-treatment (control) groups would occur administratively as part of program operation. This allows the researcher to have confidence that the selection process at the time of intake does not bias the treatment sample. An uncontrolled selection process always is subject to the criticism that less serious offender risks, in terms of recidivism outcome, have been chosen for treatment. Thus, if and when treatment effects are demonstrated, the researcher is faced with the criticism that the treatment group consisted of good risks who would have done well with or without treatment.

Nevertheless, more frequently than not the random assignment of subjects to treatment and control groups is not possible in the correctional setting. One reason for this situation is that the program administrators frequently insist upon having a say in who is and is not admitted to their programs. A second reason, also an administratively related one, is that random assignment of subjects can be cumbersome and difficult to operate. It often ties the administrator's hands when faced with practical day to day decisions. If unanticipated vacancies suddenly occur in programs and the administrator, conscious of the costs of resources

unused, cannot find enough individuals immediately available in the treatment pool the temptation is often great to select eligible subjects from the control pool.

A third inhibition to the use of random allocation is the inmate. Often inmates prefer to choose or reject involvement in treatment programs for a variety of personal reasons, such as: the program may be located too far away from their families thus preventing normal family visitation patterns; the inmate may know of an individual already in the program with whom he has a serious "beef" and would therefore be placed in danger; or the inmate may be reticent about leaving a known and secure social status at the present site and thus prefer to remain.

A final inhibition to random allocation is a moral or civil rights reason. Should inmates be denied treatment simply for the purposes of research? In many correctional systems, especially in our time of growing consciousness of inmate rights, administrators as well as inmates would answer that to do so would be to deny basic inmate rights--the right for treatment and the right of choice of treatment.

Because of the many difficulties of utilizing random selection at the point of intake into the treatment programs alternative strategies are often used. Some researches use matching techniques whereby the control group is constructed by matching background and criminal history characteristics with the treatment sample. A second technique has been to go back to a prison population prior to the existence of the treatment program and select inmates who would have been eligible for the program had it existed utilizing the population thus selected as a control group. A third technique is to utilize Base Expectancy Prediction Tables.

In correctional research, the Base Expectancy Table has been developed as a device whereby an estimation is made of the varying degrees to which individuals in a given prison population, or sub-group such as a particular treatment group, are at risk of

continuing their criminal careers subsequent to release. It is a classification technique in which individuals are placed in risk groups. The basis for the assignment of individuals into the appropriate risk group is determined on the experience of a separate population of prisoners not receiving that specified treatment and for whom criminal behavior subsequent to release is already known. Background information known prior to release is collected on this separate population and these items are correlated with the known outcome criteria-subsequent criminality or recidivism. Those items found to have the most predictive value are combined into a table whose resultant interaction effects are believed to constitute a more powerful predictive instrument than the individual items alone. At this point, the treatment sample (whose outcome criteria is not yet known) is divided into the same risk categories and an expected outcome rate is determined. The degree to which the expected rate of the treatment group approximates the actual rate of the control group determines the degree to which non-random selection has occurred,

Additionally, if persons to be given various treatments are classified according to the risks that would have been expected before treatment began, a base line is formed against which the outcomes of treatment can be assessed. The risk estimate for each of the individuals in the treatment sample is combined to form an Expected Outcome Rate for the entire sample. When treatment is completed and after the subsequent follow-up period in the community occurs, data on the Actual Outcome Rate are collected and determined. At this point, the Expected Outcome is compared to the Actual Outcome. After appropriate statistical tests for differences are computed, a judgement can be made as to whether or not the treatment program appears to reduce the Actual Outcome Rate below the Expected Outcome Rate and thus measure the effectiveness of the program under study.

The data presented in the following section summarize a series of research studies that examine selection issues in the

material associating lower recidivism with participation in reintegration programming. Each of the studies utilizes the Base Expectancy methodology discussed above. It should be noted that the analyses have included only the males in the release populations. Characteristics of male and female populations were felt to be sufficiently divergent to warrant separate Base Expectancy tables. However, the female populations were too small for table construction and validation purposes.

Therefore, the reader is alerted to the fact that the samples that follow are slightly lower in number than the similar material presented in Section One. These difference are solely the result of the exclusion of the female populations (usually less than 10% of the total sample).

The first research study that controlled for selection factors in the assignment of individuals to reintegration programs was related to participation in two prerelease centers - Boston State and Shirley Prerelease. The research evaluation resulted in two major findings. First, it was found that individuals who had completed the combined prerelease programs under study had significantly lower rates of recidivism than a control group of similar types of inmates who had not participated in a prerelease program and a significantly lower actual recidivism rate than their derived expected recidivism rate. Secondly, a series of inmate types which seem to be disproportionately helped by prerelease program participation was tentatively identified. This material is summarized in Table 8.

A second study looked at Home Furlough Program participation during the years 1973 and 1974. The research provided initial supportive evidence that participation in Furlough Programs reduces the probability that an individual will recidivate upon release from prison. Analysis indicated that the determined reduction in recidivism was due to the impact of the furlough program and not simply to the types of inmates who were selected for furloughs. These results are summarized in Table 9.

The third study included in this section, summarized in Table 10 focused on the combined participation in both furlough and prerelease programs and controlled for selection factors. Results showed that the greater the participation in the model, the lower the recidivism rate.

The final study in this section graded the level of security of the releasing institution with the level of recidivism. Again, selection factors were controlled. The results presented in Table 11, were similar to the other studies. That is, participation in the reintegration model is associated with reduced recidivism even when selection factors are controlled.

Table 8

Expected Rates of Recidivism Compared to Observed Rates, Boston State and Shirley
Releases During the Years 1972 and 1973

| Sample | Expected Recidivism Rate | Observed Recidivism Rate | Probability Level |
|--------------------------|-----------------------------|-----------------------------|----------------------|
| Shirley Prerelease | 30.9% | 17.7% | .02 |
| Boston State Pre-Release | 21.5% | 8.0% | .01 |
| TOTAL SAMPLE | 25.7% | 12.4% | .001 |

SCU Blair, Daniel P., Preparing Prisoners for Their Return to the Community: The Evaluation of the Relative Effectiveness of Two Pre Release Programs Operated in Massachusetts, Unpublished doctoral dissertation Tulane University, 1971.

Table 9

Expected and Actual Recidivism Rates by Furlough Participation

| | | Expected Rate of Recidivism | Actual Rate of Recidivism |
|---------------------------------------|---|--------------------------------|------------------------------|
| GROUP A: Releases in Year 1973 | | | |
| I. | All males released in 1973 who received a furlough | 25% | 16% |
| II. | All males released in 1973 who did not receive a furlough | 27% | 27% |
| III. | Total group of all males released in 1973 | 26% | 19% |
| GROUP B: Releases in Year 1974 | | | |
| I. | All males released in 1974 who did receive a furlough | 24% | 16% |
| II. | All males released in 1974 who did not receive a furlough | 26% | 31% |
| III. | Total group of all males released in 1974 | 25% | 20% |

SOURCE: LeClair, Daniel P., "Home Furlough Program Effects on Rates of Recidivism", Criminal Justice and Behavior, Volume 5, No. 3, September, 1978.

Table 10

**Matrix of Differential Participation in Two Reintegration Program
Selection Factors Controlled by Base Expectancy Tables:
Males Released from Years 1973 Through 1976**

| Category | | Number | Expected Recidivism Rate | Actual Recidivism Rate |
|----------|-------------------------------|--------|-----------------------------|---------------------------|
| I. | Prerelease, Furlough | 769 | 22.2% | 9% |
| II. | Non-Prerelease, Furlough | 1393 | 25.2 | 17% |
| III. | Prerelease, Non-Furloughs | 115 | 23.0% | 26% |
| IV. | Non-Prerelease, Non-Furloughs | 967 | 26.3% | 29% |

SOURCE: LeClair, Daniel P., "Societal Reintegration and Recidivism Rates", Massachusetts Department of Correction Report Number 159, August, 1978.

Table 11
Differential Recidivism Rates of Security Level of
Institution of Release for Male Population
Released in 1974

| Category | | Number of Releases | Expected Recidivism Rate | Actual Recidivism Rate |
|----------|---------------------|-----------------------|-----------------------------|---------------------------|
| I. | Maximum Security | 418 | 27.9% | 26% |
| II. | Medium Security | 130 | 21.1% | 19% |
| III. | Minimum Security | 81 | 22.1% | 9%* |
| IV. | Prerelease | 212 | 21.1% | 12% |
| V. | Total Male Releases | 841 | 24.6% | 20% |

*Statistically Significant

SOURCE: LeClair, Daniel P., "An Analysis of Recidivism Rates Among Residents Released From Massachusetts Correctional Institutions During the Year 1974", Massachusetts Department of Correction Report Number 136, September, 1977.

20

SECTION THREE

OVERVIEW OF RECIDIVISM DATA, EXTENDED FOLLOW-UP PERIODS

Trend Discerned Through Extended Follow-Up Periods

Data presented in sections one and two of this report incorporate a definition of recidivism that utilizes a one year follow-up criterion. Though subject to limitations, the one year follow-up period used in this definition allows planners and administrators to receive feedback in a reasonable time frame for the decision-making process. For example, many of the individual program components of the reintegration model had been federally funded for experimental trial purposes and were planned for pick up by permanent state funding at a later date if and when programmatic effectiveness could be demonstrated. The series of one year follow-up studies allowed timely input, and thus relevant research data were available in the decision-making processes, leading both to an expansion of the reintegration programs and to the permanent state funding of these programs.

In studying recidivism, however, correctional researchers have pointed to the problem of "cross-over effects" whereby results found using a one year follow-up period become changed or reversed when the follow-up period is extended. Such concerns have prompted the National Advisory Commission of Criminal Justice Standards and Goals to recommend a three year follow-up period as a response to this problem. Therefore, a concern existed that the limitations of the one year follow-up studies cast doubt on the validity of the overall research findings. This prompted replications of some of the earlier studies of prison releases which used a one year follow-up to see if emerging trends had remained consistent after additional years of follow-up. A first replication attempt involved a two year follow-up of releases in the year 1973 (LeClair, 1976). In this study no evidence of "cross-over effects" was found. The major findings from the two year follow-up analysis fully supported the original one year follow-up study. A second replication involved a five year follow-up of the releases in the year 1973 (LeClair, 1981). Again the major

findings of the former one and two year follow-up studies remained consistent. But because only a small percentage of the releases in the 1973 sample had participated in reintegration programs (approximately 10% of the sample), the results were viewed as tentative. For this reason a second five year follow-up study was conducted using the population of releases in the year 1976 (LeClair, 1983). For the 1976 releases, more than 50% of the sample had been involved in the reintegration model programming. Analysis revealed that all trends previously identified remained unchanged upon extension to five years of follow-up, thus denying a significant role to "cross-over effects" in the Massachusetts research.

Recidivism Rates Broken Down by Furlough Participation: Five Year Follow-Ups for Releases in Years 1973 and 1976

Table 12

| Recidivism Rate | | | |
|-----------------|------------------------------|---------|------|
| | Number | Percent | |
| I. | Sample I: Releases in 1973* | | |
| | 661 | (69) | 40% |
| | 290 | (31) | 52% |
| | 951 | (100) | 44% |
| II. | Sample II: Release in 1976** | | |
| | 500 | (54) | E 3% |
| | 423 | (46) | 45% |
| | 923 | (100) | 39% |
| | Furlough Participants | | |
| | Non-Participants | | |
| | TOTAL | | |

* Though the original study contained 966 individuals, the present effort determined that six of those individuals were released to custody (another criminal justice jurisdiction) and thus were mistakenly included in the sample. Additionally, nine individuals died before the 5 year follow-up period was completed and these individuals were also dropped from the sample. The remaining sample thus included 951 individuals.

** Though the original study contained 925 individuals, the present effort determined that two of those individuals were released to custody (another criminal justice jurisdiction) and thus were mistakenly included in the sample. Therefore, those two individuals were deleted, and the present study focused on a population of 923 individuals released directly to the community.

Table 13

Recidivism Rates Broken Down by Prerelease Participation:
Five Year Follow-Ups for Releases in Years 1973 and 1976

| | Number | Percent | Rate |
|---------------------------------|--------|---------|------|
| <u>Releases in 1973</u> | | | |
| Released Via Prerelease Centers | 107 | (11) | 35% |
| Released by Other Institutions | 842 | (89) | 45% |
| TOTAL | 951 | (100) | 44% |
| <u>Releases in 1976</u> | | | |
| Released Via Prerelease Centers | 365 | (40) | 30% |
| Released by Other Institutions | 558 | (60) | 44% |
| TOTAL | 923 | (100) | 39% |

A - 30



Bureau of Justice Statistics Special Report

June 2002. NCJ 193427

Recidivism of Prisoners Released in 1994

By Patrick A. Langan, Ph.D.
David J. Levin, Ph.D.
BJS Statisticians

This study of the rearrest, reconviction, and reincarceration of prisoners tracked 272,111 former inmates for 3 years after their release in 1994. The 272,111 — representing two-thirds of all prisoners released in the United States that year — were discharged from prisons in 15 States:

| | | |
|------------|------------|----------------|
| Arizona | Maryland | North Carolina |
| California | Michigan | Ohio |
| Delaware | Minnesota | Oregon |
| Florida | New Jersey | Texas |
| Illinois | New York | Virginia |

Four measures of recidivism

The study uses four measures of recidivism: rearrest, reconviction, resentence to prison, and return to prison with or without a new sentence. Except where expressly stated otherwise, all four study measures of recidivism —

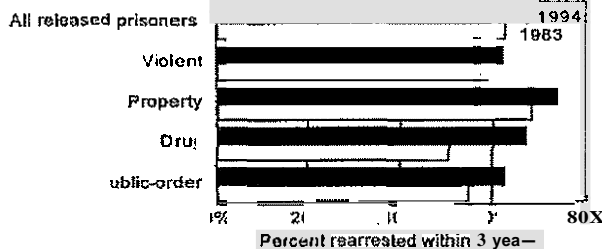
- refer to the 3-year period following the prisoner's release in 1994
- include both "in-State" and "out-of-State" recidivism.

"In-State" recidivism refers to new offenses committed within the State that released the prisoner. "Out-of-State" recidivism refers to new offenses in States other than the one where the prisoner served time.

Highlights

Among nearly 300,000 prisoners released in 15 States in 1994, 67.5% were rearrested within 3 years. A study of 1983 releases estimated 62.5%.

Offense of prisoners released in 1983 and 1994



• Within 3 years From their release in 1994 —

67.5% of the prisoners were rearrested for a new offense (almost exclusively a felony or a serious misdemeanor)

46.9% were reconvicted for a new crime

25.4% were resentence to prison for a new crime

51.8% were back in prison, serving time for a new prison sentence or for a technical violation of their release, like failing a drug test, missing an appointment with their parole officer, or being arrested for a new crime.

- Released prisoners with the highest rearrest rates were robber; (70.2%), burglars (74.0%), larcenists (74.6%),

motor vehicle thieves (78.8%), those in prison for possessing or selling stolen property (77.4%), and those in prison for possessing, using, or selling illegal weapons (70.2%).

• Released prisoners with the lowest rearrest rates were those in prison for homicide (40.7%), rape (46.0%), other sexual assault (41.4%), and driving under the influence (51.5%).

• Within 3 years, 25% of released rapists were arrested for another rape, and 1.2% of those who had served time for homicide were arrested for homicide.

• The 272,111 offenders discharged in 1994 had accumulated 4.1 million arrest charges before their most recent imprisonment and another 744,000 charges within 3 years of release.

Three of the recidivism measures — **rearrest**, **reconviction**, **resentence to prison** — are based **exclusively** on official **criminal** records kept in State and FBI criminal history repositories. One recidivism measure — **return to prison** with or without a new prison sentence — **is** formed from a combination of records from criminal history repositories plus prison records kept by State departments of corrections.

More highlights

- Within 3 years of their release in 1994, **61.7%** of offenders sentenced for violence were arrested for a new offense, though not necessarily another violent offense. Property offenders had the highest rearrest rate, **73.8%**; released drug offenders, **66.7%**; and public-order offenders (mostly those in prison for driving while intoxicated or a weapons offense), a **62.2%** rate.

- Men were more likely to be rearrested (**68.4%**) than women (**57.6%**); blacks (**72.9%**) more likely than whites (**62.7%**); non-Hispanics (**71.4%**) more likely than Hispanics (**64.6%**); younger prisoners more likely than older ones; and prisoners with longer prior records more likely than those with shorter records.

- An estimated **7.6%** of all released prisoners were rearrested for a new crime in a State other than the one that released them. They were charged with committing **55,760** such crimes.

- No evidence was found that spending more time in prison raises the recidivism rate. The evidence was mixed regarding whether serving more time reduces recidivism.

To an unknown extent, recidivism rates based on State and FBI criminal history repositories understate actual levels of recidivism. The police agency making the arrest or the court disposing of the case may fail to send the notifying document to the State or FBI repository. Even if the document is sent, the repository may be unable to match the person in the document to the correct person in the repository or may neglect to enter the new information. For these reasons, studies such as this one that rely on these repositories for complete criminal history information will understate recidivism rates.

Characteristics of the 272,111 released prisoners

Of offenders released from prisons in 15 States in 1994:

- 91.3% were male (table 1)
- 50.4% were white
- 48.5% were black
- 24.5% were Hispanic
- 44.1% were under age 30.

The **272,111** were in prison for a wide variety of offenses, primarily felonies:

- 22.5% for a violent offense (for example, murder, sexual assault, and robbery)
- 33.5% for a property offense (for example, burglary, auto theft, and fraud)
- 32.6% for a drug offense (primarily drug trafficking and possession)
- 9.7% for a public-order offense (roughly 33% driving while intoxicated/driving under the influence, 32% a weapons offense, 8% a traffic offense, 9% a probation violation, and the remainder, such crimes as escape, obstruction of justice, court offense, parole violation, contributing to the delinquency of a minor, bigamy, and habitual offender)

1.7% for some other offense (for example, an unspecified felony or misdemeanor)

Table 1. Profile of prisoners released in 1994 from prisons in 15 States

| Characteristic | Percent or released inmates |
|--|-----------------------------|
| Gender | |
| Male | 91.3% |
| Female | 8.7 |
| Race | |
| White | 50.4% |
| Black | 48.5 |
| Other | 1.1 |
| Ethnicity | |
| Hispanic | 24.5% |
| Non-Hispanic | 15.5 |
| Age at release | |
| 14-17 | 0.3% |
| 18-24 | 21.0 |
| 25-29 | 22.8 |
| 30-34 | 22.7 |
| 35-39 | 16.2 |
| 40-44 | 9.4 |
| 45 or older | 7.6 |
| Offense for which inmate was serving a sentence | |
| Violent | 22.5% |
| Property | 33.5 |
| Drugs | 32.6 |
| Public-order | 9.7 |
| Other | 1.7 |
| Sentence length | |
| Mean | 58.9 mos |
| Median | 48.0 mos |
| Time served before release | |
| Mean* | 20.3 mos |
| Median* | 13.3 mos |
| Percent of sentence served before release* | 35.2% |
| Prior arrest | 93.1% |
| Mean number of prior arrests | 8.8 |
| Median number | 6.0 |
| Prior conviction | 81.4% |
| Mean number | 3.8 |
| Median number | 3.0 |
| Prior prison sentence | 43.8% |
| Number released in 15 States | 272,111 |

Note: "Prior" does not include the arrest, conviction, or prison sentence for which the 272,111 were in prison in 1994. Calculation of prior conviction excludes Ohio. Calculation of sentence length (defined as total maximum sentence) and time served is based on "first releases" only and excludes Michigan (which reported minimum, not maximum, sentence) and Ohio (which did not report data to identify "first releases").

*Excludes credited jail time.

The average prison sentence length was nearly 5 years. On average, the prisoners were released after serving 35% of their sentence, or about 20 months.

Seventy percent had 5 or more prior arrests (not including the arrest that brought them to prison), and half had 2 or more prior convictions (not including the conviction that resulted in their prison sentence).

For 56.4% of the released prisoners the prison sentence they were serving when released was their first-ever sentence to prison. Almost 44% had served a prior prison sentence.

Recidivism rates at different lengths of time after release

Within the first 6 months of their release, 29.9% of the 272,111 offenders were rearrested for a felony or serious misdemeanor (table 2 and figure 1).

Within the first year the cumulative total grew to 44.1% and within the first 2 years, 59.2%. Within the first 3 years of their release, an estimated 67.5% of the 272,111 released prisoners were rearrested at least once

The first year is the period when much of the recidivism occurs, accounting for nearly two-thirds of all the recidivism of the first 3 years.

Within the first year of release, an estimated 21.5% of the 272,111 released offenders were reconvicted for a new felony or misdemeanor, within the first 2 years, a combined total of 36.4% were reconvicted; and within the first 3 years, a combined total of 46.9% were reconvicted.

Table 2. Recidivism rates of prisoners released in 1994 from prisons in 15 States, by time after release

| Time after release | Cumulative percent of released prisoners who were — | | |
|--------------------|---|--------------------------|---|
| | Rearrested | Reconvicted ^a | Returned to prison with new sentence ^b |
| 6 months | 29.9% | 10.6% | 5.0% |
| 1 year | 44.1 | 21.5 | 10.4 |
| 2 years | 59.2 | 36.4 | 18.8 |
| 3 years | 67.5 | 46.8 | 25.4 |

^aBecause of missing data, prisoners released in Ohio were excluded from the calculation of percent reconvicted.

^bNew prison sentence includes new sentences to State or Federal prisons but not to local jails. Because of missing data, prisoners released in Ohio and Virginia were excluded from the calculation of "Percent returned to prison with a new prison sentence."

Not all of the reconvicted prisoners were sentenced to another prison term for their new crime. Some were sentenced to confinement in a local jail. Some were sentenced to neither prison nor jail but to probation, which allowed them to remain free in their communities but under the supervision of a probation officer.

Within the first year of release, 10.4% of the 272,111 released prisoners were back in prison as a result of a conviction and prison sentence for a new crime; within the first 2 years, 28.8%; and within the first 3 years, 25.4%.

The number of crimes committed by the 272,111 released prisoners

How many crimes the 272,111 prisoners ever committed — both prior to and following their release — is unknown. The best estimate available from official sources is the volume of criminal charges found in arrest records. The volume of arrest charges is not the same thing as the volume of arrests.

The volume of arrests is the number of different times a person was arrested. The volume of arrest charges is the sum of the charges over all the different times the person was arrested.

Arrest records provide an incomplete measure of actual criminal activity. While people are sometimes arrested for crimes they did not commit, research indicates that offenders commit more crimes than their arrest records show.¹

¹Alfred Blumstein and others, *Criminal Careers and "Career Criminals,"* vol. 1, Washington, DC: National Academy Press, 1986, p. 55.

Within a year of release from prison, 44.1% of prisoners were rearrested; within 3 years, 67.5% were rearrested and 25.4% had a new prison sentence

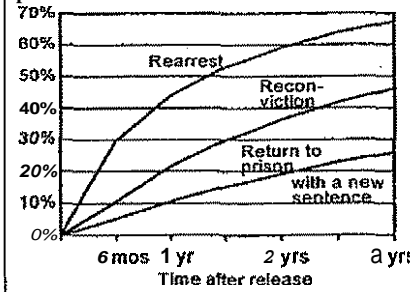


Figure 1

